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IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

2008 MAR 17 P 4:05

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

ALONZO AUSTIN

Plaintiff,

v.

CASE NUMBER

GLOBAL CONNECTION INC., 3:07-CV-042 MEF.

OF AMERICA ET, AL.,

Defendants

PLAINTIFF OBJECTIONS TO REPORT AND
RECOMMENDATIONS OF MAGISTRATE JUDGE

COMES NOW, Plaintiff, ALONZO AUSTIN, pursuant to 28 U.S.C. § 636(b)(1)(B) and files its Objections to the Report and Recommendations of the Magistrate Judge (Document #67-1, Filed 03/05/2008), Page 1 of 17, in which Plaintiff's Motion for Summary Judgment was denied, (Timely filed on January 31, 2008, Doc. 61), and Defendant's untimely filed Motion for Summary Judgment (Doc. 57, filed February 1, 2008), and Defendant's Memorandum Brief in Support of their Motion for Summary Judgment (Doc. 58, filed February 1, 2008), was granted over Plaintiff's Objection and Motion to Strike, (Doc. 64, filed February 13, 2008), review (Doc. 6, filed February 15, 2007), Plaintiff's objections are as follows,

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PLAINTIFF FIRST OBJECTION.

Is to Magistrates, Consideration of the Defendants' Untimely filed Motion for Summary Judgment, and its Untimely filed Memorandum Brief in Support of their Motion for Summary Judgment (Doc. 57-58, filed February 1, 2008.) pursuant to (Doc. 6, filed on February 15, 2007) which was contrary to the Middle District and Local Rules of Law, and as such, should not have been considered without Leave of Court. See: F.R.C.P. 16(b). (Doc. 6 filed on February 15, 2007) Review

PLAINTIFF SECOND OBJECTION.

Is to Magistrates, failure to attach a Document Number to Plaintiff's Brief in Support of its Motion for Summary Judgment and its failed Consideration of same Constituting bias (Doc. 61, Timely Filed on January 31, 2008.) (Doc. 6 Filed 2/15/2007)

PLAINTIFF THIRD OBJECTION.

Is to Magistrates, placing or accepting Plaintiff's timely filed Motion for Summary Judgment and Supporting Brief (Doc. 61, filed January 31, 2008,) behind, the Untimely filed Motion for Summary Judgment, and the Untimely Memorandum Brief in Support of their Motion for Summary Judgment, of the Defendants, (file on February 1, 2008 Doc. 57-58,) as this action is contrary to the facts of this Case. (Doc. 6, Filed February 15, 2007.) Review

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PLAINTIFF FOURTH OBJECTION.

Is to Magistrates, Denial of Plaintiff's, Objection and Motion to Strike (Doc. 64, filed on February 13, 2008), with its order done on the 15th day of February, 2008, See Document #65-1, wherein Plaintiff's, stated that it was being unfairly treated and prejudiced by the untimely submission of the documents in question by the Defendants' and therefore move the Court to enter an order striking same from the record and further requested that same not be otherwise considered by the Court in ruling upon the within matter. However, the record reflect that the Court Denied Plaintiff said Motion. (Doc. 6, February 15, 2007) Review

PLAINTIFF FIFTH OBJECTION

Is to Magistrates, Order of Denial (Document #334 Filed on 7/19/07), in regards to Plaintiff's Motion to Compel its initial Disclosures from Defendant's (Doc. 29, filed on July 10, 2007) (February 15, 2007 Doc 6) review

PLAINTIFF SIXTH OBJECTION.

Is to Magistrates, failure to Order Defendants' to Comply with (Doc. 21), amended Scheduling order (Document #54-1, Filed 12/18/2007) Section L: B. DISCOVERY was to be Completed by January 18, 2008. Wherein Plaintiff Complied, but Defendant's did not. which included its failure to release its List of witness and exhibits.

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SECTION 3: DISPOSITIVE MOTIONS order states Such Motion shall be filed by January 31, 2008. Again, Plaintiff, Motion for Summary Judgment was timely (filed on January 31, 2008 See: Doc. #61) However, Defendants' Motion for Summary Judgment and its Memorandum Brief in Support of its Motion Was Not. See: (Doc. 57-58, file February 1, 2008) and as such the Defendants failed to comply with the Guideline for Dispositive Motions attached to this order.

SECTION 4: SETTLEMENT pro se Plaintiff, Sent Notice to Defendant regarding our obligation to conduct a Second Settlement Conference per order however, Defendants' did not respond by the due date of February 14, 2008, and again on February 21, 2008, when Defendants' Counsel was to file a Pleading Per this Scheduling order (Doc. #54-1), titled NOTICE CONCERNING SETTLEMENT Conference and Mediation advising Court of the Parties positions again Defendants', failed to do so, primarily because Defendants' failed to meet with Plaintiff.

SECTION 5: PRETRIAL CONFERENCE AND TRIAL All indication are Case is Not Ripe as Defendants, have failed to prosecute, Pursuant to The Scheduling Order. and as such The Magistrates Report and Recommendations Should be referred back for further Extensive Proceedings, and The Defendants' Should be ordered to comply.

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Respectfully Submitted, ~~Alonzo Austin~~ pro se
by ~~Alonzo Austin~~ pro se
Alonzo AUSTIN

1321 Oliver-Carlis Rd.

Tuskegee, AL 36083

Ph. # (334) 727-5476

Via Certified Mail

CERTIFICATE OF SERVICE

I do hereby Certify that I have Served upon
The Defendants'

GLOBAL CONNECTION OF AMERICA et al,
% MCKOON AND ASSOCIATES

P.O. Box 3220

Phenix City AL 36868-3220

A Copy of the foregoing Documents
by placing same in the U.S. Mail
Postage Prepaid on this the 17th Day of March, 2008.

~~Alonzo Austin~~ pro se

by ~~Alonzo Austin~~ pro se

Alonzo Austin

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